

5-11-04

Express Mail Number  
EV 416452295 US

PHA 1001.1(01332/1/US)  
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Martin B. Wax, M.D.

Serial No. 10/768,266

Filed January 30, 2004

For COMPOSITIONS OF AN AQUAPORIN MODULATING AGENT AND AN  
AQUEOUS HUMOR MODULATING AGENT FOR THE TREATMENT OF  
ELEVATED INTRAOCULAR PRESSURE

May 10, 2004

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

SIR:

**INFORMATION DISCLOSURE STATEMENT**

In accordance with 37 C.F.R. 1.97 and 1.98 and MPEP 609, and in compliance with the duty of disclosure set forth in 37 C.F.R. 1.56, applicant submit the attached PTO/SB/08A for consideration by the Patent and Trademark Office in the above-entitled application and to be made of record therein. In accordance with the OG notice of August 5, 2003 partially waiving the requirements of 37 C.F.R. 1.98(a)(2)(i), copies of the U.S. patent documents are not supplied. Applicant submits herewith copies of the foreign patent documents and literature references.

This Information Disclosure Statement is being submitted pursuant to 37 C.F.R. §1.97(b) in that applicants believe that it is being filed prior to the mailing date of the first Office action on the merits. Accordingly, neither a statement nor fee under 37 C.F.R. §1.97(c) or (d) is required. However, if an Office action was issued prior to the

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date of mailing of this Information Disclosure Statement, the Commissioner is hereby authorized to charge any required fees regarding this Information Disclosure Statement to Deposit Account No. 19-1345.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'E. Hejlek', with a stylized, looping flourish extending from the end.

Edward J. Hejlek, Reg. No. 31,525  
SENNIGER, POWERS, LEAVITT & ROEDEL  
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EJH/cms

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| PTO/SB/08A  |   |    |   | <b>Complete if Known</b> |                          |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    |   | Application Number       | 10/768,266               |
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|   |   |    |   | First Named Inventor     | Martin B. Wax            |
|   |   |    |   | Group Art Unit           |                          |
|   |   |    |   | Examiner Name            |                          |
| Sheet   | 1 | of | 6 | Attorney Docket No.      | PHA 1001.1 (013321/1/US) |

### U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | U.S. Patent Document |                                      | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document<br>MM-DD-YYYY |
|--------------------|-----------------------|----------------------|--------------------------------------|---|---|
|                    |                       | Number               | Kind Code <sup>2</sup><br>(if known) |   |   |
|                    | 1                     | 5,858,702            |                                      | Agre  | 01/12/1999  |
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### FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document |                     |                                      | Name of Patentee or Applicant of Cited Document            | Date of Publication of Cited Document<br>MM-DD-YYYY | T <sup>6</sup> |
|--------------------|-----------------------|-------------------------|---------------------|--------------------------------------|--|---|----------------|
|                    |                       | Office                  | Number <sup>4</sup> | Kind Code <sup>2</sup><br>(if known) |  |   |                |
|                    | 4                     | JP                      | 11279194            |                                      | Santen Pharmaceutical Co., Ltd.<br>(with English abstract) | 10/12/1999  |                |
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|                    | 6                     | WO                      | 01/64219            | A2                                   | Janssen Pharmaceutica N.V.                                 | 09/07/2001  |                |

### OTHER ART - NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>6</sup> |
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